

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/LETTERS PATENT APPEAL NO. 1375 of 2018****In R/SPECIAL CIVIL APPLICATION NO. 11645 of 2018****With****CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 1 of 2018****In R/LETTERS PATENT APPEAL NO. 1375 of 2018**=====
**BHAILALBHAI KESHAVLAL SHAH SINCE DECEASED THROUGH LH****Versus****STATE OF GUJARAT**
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Appearance:

MR SATYAM Y CHHAYA(3242) for the Appellant(s) No. 1,1.1,1.2

for the Respondent(s) No. 6,7

DS AFF.NOT FILED (N)(11) for the Respondent(s) No. 6.2

MS ESHWARYA GUPTA, AGP (1) for the Respondent(s) No. 1,2,3,4,5

MR ANKIT SHAH(6371) for the Respondent(s) No. 6.1,6.3,8

NOTICE SERVED BY DS(5) for the Respondent(s) No. 7.1,7.2,7.3,7.5,9

UNSERVED REFUSED (N)(10) for the Respondent(s) No. 7.4
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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE ANANT S. DAVE****and****HONOURABLE MR.JUSTICE BIREN VAISHNAV****Date : 28/06/2019****ORAL ORDER****(PER : HONOURABLE THE ACTING CHIEF JUSTICE ANANT S. DAVE)**

This appeal arises out of an oral order dated 21.8.2018 passed by the learned Single Judge in Special Civil Application No.11645 of 2018.

On a perusal of the order impugned, we are of the view that even if any error is committed by the Special Secretary, Revenue Department, in para 7 of the judgment impugned, learned Single Judge held as under:

“7. The Court finds that when neither the petitioners nor the mother of the petitioners raised any grievance against the continuance of the entry recorded in the revenue record in favor of Punjiram, the disputed entry subsequently made in favor of the uncles of the petitioners would not make the petitioners entitled to say that the disputed entry was invalid as it was made without notice to them and their names were also required to be entered with the names of their uncles. If the mother of the petitioners had executed the above referred declaration on receipt of Rs.20 stamp paper to get her 1/5 share in the joint properties being widow of one of the sons of deceased Keshavlal, the petitioners would not be entitled to object to the disputed entry wherein the names of their uncles were entered. If the petitioners have any grievance in connection with the declaration alleged to have been executed by their mother or if they have any right surviving and subsisting in the land in question it was always open to the petitioners to resort to civil remedy but there was no question of making fresh entry to enter the names of all heirs of deceased Keshavlal as ordered by the Prant Officer and confirmed by the Collector.

It is rightly kept open for the appellants to resort to civil remedy, if so available and hence, we find no substance in this appeal. This Letters Patent Appeal is accordingly dismissed. Consequently, Civil Application also stands disposed of.

**(ANANT S. DAVE, ACJ)**

**(BIREN VAISHNAV, J)**

RADHAKRISHNAN K.V.